

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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CAROL McNEELY, SHILPA VLK,  
GEORGE K. BERNHARD, and DEBORAH  
JOYCE,

on behalf of themselves and all others  
similarly situated,

and

DAVID T. RUDZIEWICZ, FREDERICK  
DEMAIO, DONNA R. KOBIELSKI,  
DONNA MOLTA, NADINE JOY,  
SAMUEL PENTA, and ROLAND HOGG,

Opt-In Plaintiffs,

-against-

METROPOLITAN LIFE INSURANCE  
COMPANY, METROPOLITAN LIFE  
RETIREMENT PLAN FOR UNITED STATES  
EMPLOYEES, SAVINGS AND INVESTMENT  
PLAN FOR EMPLOYEES OF METROPOLITAN  
LIFE AND PARTICIPATING AFFILIATES,  
METLIFE OPTIONS & CHOICES PLAN, and  
WELFARE BENEFITS PLAN FOR EMPLOYEES  
OF METROPOLITAN LIFE AND  
PARTICIPATING AFFILIATES,

Defendants.  
-----X

**1:18-CV-00885-PAC**

***Electronically Filed***

**PLAINTIFFS' MOTION FOR CERTIFICATION OF THE SETTLEMENT CLASS AND  
COLLECTIVE AND FINAL APPROVAL OF THE CLASS ACTION SETTLEMENT**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Certification of the Settlement Class, Final Approval of the Class Action Settlement, and Approval of the FLSA Settlement, and in the declarations and exhibits attached thereto, Plaintiffs respectfully request that the Court enter an Order:

- 1) certifying the settlement class, as defined in section 1.4 of the Joint Stipulation of Settlement and Release (“Settlement Agreement”) and paragraph 1 of the accompanying proposed Order, under Federal Rule of Civil Procedure 23(a) and (b)(3);
- 2) certifying the collective, as defined in section 1.6 of the Settlement Agreement and paragraph 2 of the accompanying proposed Order, under 29 U.S.C. § 216(b);
- 3) granting final approval of the Settlement Agreement, based among other things on findings that the Notice and the notice process were reasonable and adequate and comported with all legal requirements;
- 4) authorizing all payments set forth in the Settlement Agreement, including for the additional plaintiffs referenced in Section 5 of the Supplemental Declaration of Michael Lieder;
- 5) ordering the parties and the Claims Administrator to perform their remaining obligations under the Settlement Agreement;
- 6) dismissing this action with prejudice upon the Effective Date, which in the absence of an appeal will be thirty-five (35) days after the date of this Order, and enjoining all Class Members who have not excluded themselves from the settlement and all collective members who opt into the lawsuit by negotiating their award payments from pursuing and/or seeking to reopen all claims that have been released pursuant to the Settlement Agreement;
- 7) retaining jurisdiction over this action for the purpose of enforcing the Settlement Agreement and overseeing the distribution of settlement funds; and
- 8) granting any other relief that the Court deems just and proper.

Plaintiffs have contemporaneously submitted a proposed Order for the Court's convenience. The proposed Order also addresses Plaintiffs' pending motions for service awards and for payment of Class Counsel's fees and reimbursement of their expenses.

Dated: January 8, 2020

Respectfully submitted,

**STACEY GRAY PC**

**MEHRI & SKALET PLLC**

/s/ Stacey M. Gray

/s/ Michael D. Lieder

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